

**REMARKS**

Claims 1-16 are all the claims pending in the application. Claims 1-16 presently stand rejected.

**Information Disclosure Statement**

As an initial matter, Applicant respectfully requests that the Examiner forward to Applicant an initialed PTO/SB/08 A & B form for the Information Disclosure Statement filed on February 13, 2001. Applicants have confirmed that the Information Disclosure Statement and copies of the listed references have been properly received by the PTO and scanned into the Image File Wrapper on the USPTO PAIR webpage.<sup>1</sup>

**Claim Rejections Under 35 U.S.C. § 112**

Claims 15 and 16 are rejected under 35 U.S.C. § 112, second paragraph, due to a minor informality. Applicant has amended claim 15 and respectfully requests that the Examiner withdraw the §112 rejection.

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<sup>1</sup> The Office Action dated March 28, 2005 included a copy of the English translation of pertinent portions of a foreign Office Action, which has been initialed by the Examiner. However, this English translation of pertinent portions did not accompany the IDS filed February 13, 2001, but instead accompanied the IDS filed August 26, 2002.

**Claim Rejections Under 35 U.S.C. § 102 and § 103**

Claims 1-9 and 11-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakashima (4,926,253) in view of Ide (5,841,899) and Masuda (5,705,806). Claims 10 and 14-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakashima in view of Ide.

***Claim 1***

With respect to independent claim 1, Applicant has amended the claim to recite that the specific wavelength band is selected based on detected wavelength reflectivity characteristics of the original such that the reflectivity at said wavelength band of the portion to be dropped out is high.

Applicant respectfully requests that the Examiner withdraw the rejection at least because the combination of Nakashima, Ide, and Masuda does not teach or suggest the claimed image scanner having a means for selecting a specific wavelength band, said specific wavelength band being coextensive with or within a wavelength band of a portion of the original to be dropped out, wherein the specific wavelength band is selected based on detected wavelength reflectivity characteristics of the original such that the reflectivity at said wavelength band of the portion to be dropped out is high.

The Examiner acknowledges that primary reference Nakajima does not disclose a means for selecting a specific wavelength band. Therefore, the Examiner looks to Ide's red field image production unit 31 in an attempt to make up for this deficiency.

Ide discloses a color field recognition apparatus that picks up a non-drop out image  $D_{YORG}$  75 and a drop out image  $D_{RORG}$  73 with CCD cameras 20, 21.<sup>2</sup> A light filter (i.e., red, blue or green light filter) can be used to illuminate the image for pick up of the drop out image  $D_{RORG}$  73.<sup>3</sup> A red field recognition unit 29 recognizes only a red field (i.e., field to be dropped out) “by binarizing the pixel values of the non-drop out image corresponding to those of the thickened red-drop out image less a predetermined offset as a threshold level.”<sup>4</sup> A red field eliminated image production unit 31 “replaces the pixel values of the red drop-out image corresponding to the red field with the red field determined by the red field recognition unit 29.”<sup>5</sup>

However, Ide does not disclose that a specific wavelength band is selected based on detected wavelength reflectivity characteristics of the original such that the reflectivity at said wavelength band of the portion to be dropped out is high. Instead, the selection of the wavelength band of the red drop-out image appears is made before the image scanning.

Finally, Matsuda, which the Examiner relies on in an attempt to show a stand type image scanner, does not make up for the deficiencies in Nakashima and Ide discussed above.

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<sup>2</sup> See Ide at Fig. 1A & 1B.

<sup>3</sup> See Ide at 5:21-31.

<sup>4</sup> See Ide at 9:4-9.

<sup>5</sup> See Ide at 10:25-31.

Therefore, Applicants respectfully requests that the Examiner withdraw the rejection of independent claim 1 at least because the combination of Nakashima, Ide, and Matsuda does not teach or suggest all of the claim recitations.

***Claims 2-9***

In addition, Applicants respectfully submits that dependent claims 2-9 and 11-13 are patentable at least because of their dependency from claim 1.

***Claims 10 and 14-16***

In addition, with respect to independent claim 10, Applicants respectfully request that the Examiner withdraw the rejection at least because the combination of Nakashima and Ide does not teach or suggest the claimed invention. For example, the combination of Nakashima and Ide, does not teach or suggest the method in which the specific wavelength band is selected based on detected wavelength reflectivity characteristics of the original such that the reflectivity at said wavelength band of the portion to be dropped out is high, as is discussed above with respect to independent claim 1.

Finally, Applicants respectfully request that claims 14-16 are patentable at least because of their dependency from independent claim 10.

**Conclusion**

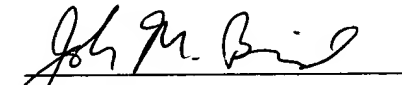
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

AMENDMENT UNDER 37 C.F.R. § 1.116  
U.S. Appln. No. 09/736,297

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
John M. Bird  
Registration No. 46,027

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

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